

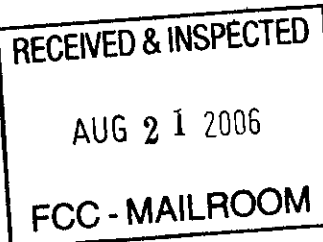
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From: 2124734392
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AUG 21 2006
FCC - MAILROOM

FAX



The Epiphany School
234 East 22nd Street
New York, NY 10010
212-473-4128

To: <i>FCC</i>	From: <i>James Hayes</i>
Fax: <i>202-418-0187</i>	Pages: <i>7 including Cover</i>
Phone: <i>212-473-4128</i>	Date: <i>8-21-06</i>
Re: <i>REQUEST FOR WAIVER</i>	

◆ Comments:

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THE EPIPHANY SCHOOL



MSGR. Walter Niebrzydowski
PASTOR

Mr. James L. Hayes, M.S.
PRINCIPAL

August 21, 2006

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Room TW-A325
Washington, DC 20554

234 East 22nd Street
New York, NY 10010

Phone (212) 473-4128
Fax (212) 473-4392

North Campus
Phone (212) 725-7220
Fax (212) 725-0551

RECEIVED & INSPECTED

AUG 21 2006

FCC - MAILROOM

CC DOCKET # 02-6

REQUEST FOR WAIVER

Re: Applicant Name: EPIPHANY ELEMENTARY SCHOOL
 Billed Entity Number: 9898
 Form 471 Application Number: 539498
 FRN's: 1493900, 1493901, 1493902

Dear Sir/Madam,

Enclosed herewith are the following documents:


USAC Funding Year 2006/Form 471 Postmarked Outside of Window Letter
dated May 12, 2006
The Epiphany School Appeal Request Letter to USAC dated May 16, 2006
USAC Administrator's Decision on Appeal Letter (Denial) dated August 18, 2006

We are respectfully submitting this material to you to pursue a request for waiver of a deadline due to extenuating circumstances as outlined in our letter dated May 16, 2006.

Denial of this funding will cause hardship to our school and it's students.

If any additional information is required, kindly contact the undersigned at 212-473-4128.

Sincerely,


Mr. James L. Hayes
Principal

Accredited by the Middle States Association

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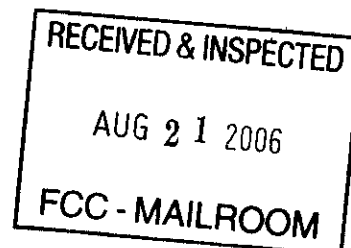


Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2006 FORM 471
POSTMARKED OUTSIDE OF WINDOW

May 12, 2006

JAMES L HAYES
EPIPHANY ELEMENTARY SCHOOL
234 EAST 22ND STREET
NEW YORK, NY 10010-5601



Re: Applicant's Form Identifier: EP471YR06
Form 471 Application Number: 539498

Dear JAMES L HAYES:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 04/04/2006, which is AFTER the 2006-2007 filing window closed at 11:59 p.m. EST on Thursday, February 16, 2006.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2006-2007 applications, about funding for applications filed after the close of the filing window or about plans for the 2007-2008 application process, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number 539498 as assigned by USAC,
 - "Funding Year 2006 Form 471 Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service

provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973)599-6342.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

THE EPIPHANY SCHOOL



MSGR. Walter Niebrzydowski
PASTOR

Mr. James L. Hayes, M.S.
PRINCIPAL

234 East 22nd Street
New York, NY 10010

Phone (212) 473-4128
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North Campus
Phone (212) 725-7220
Fax (212) 725-0551

May 16, 2006

Letter of Appeal
Schools and Libraries Division-
Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

Appellant Name: James L. Hayes
Applicant Name: Epiphany Elementary School
BEN: 9898
Funding Year: 7/1/06 through 6/30/07
Form 471 Application#: 539498
Form 471 Postmarked Outside of Window Letter

Dear Sir/Madam;

This letter is to respectfully request an appeal of your letter of denial, dated May 12, 2006, with regard to our filing of Form 471 (Yr2006) outside of the filing window. This form was filed on April 4, 2006 due to a series of unfortunate and unpredictable events that occurred at our school.

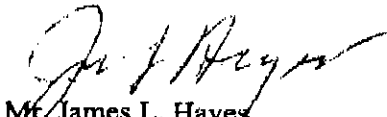
Primarily, a sudden personnel change occurred which necessitated having the entire E-Rate program responsibility abruptly assigned to another member of the school staff. She was previously completely unfamiliar with the E-Rate program and its required components.

There were no USAC training seminars scheduled during this time frame and the prior moderator of our E-Rate responsibility was neither present nor willing to offer any training. This new, untrained staff member attempted to educate herself to the E-Rate Program using online resources, information available on the USAC website and printed material which caused a disastrous misinterpretation of filing instructions.

Two Operational SPIN change requests had been filed in November of 2005 and January of 2006. When my staff member attempted to file Form 486 (Yr2005) online it would not accept the submission due to the discrepancy of different SPIN numbers. Please refer to Case# 2134177 which documents this communication. Form 486 Notification Letter (Yr2005) dated April 12, 2006 still does not reflect these changes.

This confusion caused our staff member to be under the mistaken impression that she could not file the 471 (Yr2006) until the 486 (Yr2005) had been received and corrected in order to utilize the appropriate SPIN numbers. Please refer to Case# 21401991 regarding a conversation my staff member held with a customer service representative. He clarified the situation and the Form 471 (Yr2006) was filed immediately thereafter.

Would you kindly take this appeal matter under consideration and contact the undersigned for any additional information or clarification. Thank you for your attention.



Mr. James L. Hayes
Principal



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

August 18, 2006

James L Hayes
Epiphany Elementary School
234 East 22nd Street
New York, NY 10010

Re: Applicant Name: EPIPHANY ELEMENTARY SCHOOL
Billed Entity Number: 9898
Form 471 Application Number: 539498
Funding Request Number(s): 1493900, 1493901, 1493902
Your Correspondence Dated: May 16, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Form 471 Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1493900, 1493901, 1493902
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of USAC's Funding Year 2006 Form 471 Postmarked Outside of Window Letter. You request USAC to consider your application as timely filed.
- A thorough review of your appeal and the relevant facts shows that you filed the Form 471 application on April 4, 2006, which is outside of the application filing window. For Funding Year 2006, in order to be considered for funding, Form 471 applications and their associated certifications had to be postmarked no later than 11:59 pm (EST) on February 16, 2006. You have failed to demonstrate that your Form 471 application was postmarked on or before February 16, 2006. Consequently, your appeal is denied.

- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. See Request for Review by Alpine County Unified School District, et . al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc ., CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4, (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company